

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 15 May 2007

Case No.: 2006-STA-00044

In the Matter of:

WENDELL SELLERS
Complainant

v.

SOURCE INTERLINK COMPANIES
Respondent

RECOMMENDED DECISION AND ORDER
APPROVING SETTLEMENT AGREEMENT
AND DISMISSING COMPLAINT

This matter involves a request by Wendell Sellers, the Complainant, for a hearing before the Office of Administrative Law Judges (“OALJ”) under the employee protection provision of the Surface Transportation Assistance Act of 1982 (“Act” or “STAA”), 49 U.S.C. §31105. The Complainant objected to findings issued by the Regional Administrator of the Department of Labor’s Occupational Safety and Health Administration (“OSHA”), which dismissed a complaint he filed that the Respondent violated § 405 of the STAA by discharging him for raising concerns about the safe operation of commercial motor vehicles.

This case was assigned to Administrative Law Judge Paul H. Teitler, who scheduled a hearing for April 23, 2007 in North Brunswick, New Jersey. The hearing was vacated after the parties gave notice that they had reached a settlement of the controversy. On May 9, 2007, the parties submitted their settlement pursuant to 29 C.F.R. § 1978.111(d)(2). Regrettably, on May 10, 2007, Judge Teitler died, and the case was thereafter reassigned to me.

I have reviewed the record as a whole, and the settlement agreement, and find it to be fair, reasonable, and adequate.

It is therefore ORDERED that the Settlement Agreement is hereby APPROVED. It is further ORDERED that the complaint in this matter be dismissed with prejudice pursuant to 29 C.F.R. § 1978.111(d)(2).

A

Janice K. Bullard
Administrative Law Judge

Cherry Hill, New Jersey

NOTICE OF REVIEW: The administrative law judges' Recommended Order Approving Settlement, along with the Administrative File, will be automatically forwarded for review to the Administrative Review Board, U. S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210. See 29 C.F.R. § 1978.109(a); Secretary's Order 1-2002, ¶4.c(35), 67 Fed. Reg. 64272 (2002).

Within thirty (30) days of the date of issuance of the administrative law judge's Recommended Order Approving Settlement, the parties may file briefs with the Administrative Review Board ("Board") in support of, or in opposition to the administrative law judge's order unless the Board, upon notice to the parties, establishes a different briefing schedule. See 29 C.F.R. §1978.109(d)(2). All further inquiries and correspondence in this matter should be directed to the Board.